

Remarks/Arguments

Claims 1-8 and 17-20 have been allowed. Claims 10, 12-14, and 16 are objected to as depending from a rejected base claim but recite allowable subject matter. Claims 9, 11, and 15 stand rejected under §103(a) based on Blouin et al or Blouin et al in combination with Erny et al.

Claim 9 has been amended to include the limitations of claim 12 and claim 12 has been canceled. Claim 10 has been amended for proper antecedent basis in view of the amendment to claim 9. No new matter has been added by the amendments to any of these claims.

In view of the comments below Applicant respectfully requests that the Examiner reconsider the present application including rejected claims 9, 11, and 15 and objected to claims 10, 13-14 and 16.

a) Claims 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Blouin, et al. (U.S. Patent No. 6,543,288). Claim 9 has been amended to include the limitations of original claim 12, and now reads (new material underlined):

A method of determining a print medium type comprising:

vibrating a print medium at a predetermined frequency;
irradiating the print medium with radiation having a predetermined intensity level during the vibrating of the print medium at a predetermined frequency;

measuring an irradiation characteristic of the print medium during the irradiating of the print medium with radiation having a predetermined intensity level and the vibrating of the print medium at a predetermined frequency, wherein the measuring of an irradiation characteristic of the print medium further comprises measuring an amount of the radiation transmitted through the print medium; and

comparing the measured irradiation characteristic to a table of stored irradiation characteristics and corresponding print medium types to determine a type of the print medium.

The Examiner has noted (page 3, section 4 of the 12/22/03 office action) that claim 12 is objected to “as being dependent upon an unallowed parent claim, but would be allowable if rewritten in independent form including all of the limitations of their parent claim” citing the use of transmitted light as above included in amended claim 9. Thus Applicant respectfully submits that claim 9 as amended is now in allowable form. Claim 11 is dependent upon claim 9 and at least by virtue of this dependency on an allowable claim is also believed to be in allowable form. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 9 and 11 under 35 U.S.C. 103(a) based on Blouin, et al. (U.S. Patent No. 6,543,288).

b) Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Blouin, et al. (U.S. Patent No. 6,543,288) as applied to claim 9, and further in view of Erny, et al. (U.S. Patent No. 3,791,744). Based on the discussion above, Applicant believes that claim 9 is now in condition for allowance. Claim 15 is dependent upon claim 9 and at least by virtue of this

dependency on an allowable claim is also believed to be in allowable form. Therefore, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 15 under 35 U.S.C. 103(a) based on Blouin, et al. (U.S. Patent No. 6,543,288) as applied to claim 9, and further in view of Erny, et al. (U.S. Patent No. 3,791,744).

c) Claims 10, 12-14 and 16 stand objected as being dependent upon an un-allowed parent claim (e.g. claim 9), but would be allowable if rewritten in independent form including all of the limitations of their parent claim. As noted above claim 9 has been amended to include the limitations of claim 12 and is now believed to be in allowable form. Claim 12 has been canceled. The remaining claims 10, 13-14, and 16 depend from claim 9 and by virtue of this dependency (in addition to their respective merits as noted by the Examiner in the 12/22/03 office action) are believed to be in allowable form. Since the objection has been traversed, Applicant respectfully requests that the Examiner reconsider and withdraw this objection to claims 10, 13-14, and 16.

d) Conclusion:

For the above noted reasons, Applicant respectfully submits that all rejections or objections to claims 9 – 11 and 13 – 16 have been successfully traversed. Claims 1-8 and 17-20 have been allowed. Accordingly, Applicant respectfully submits that the claims 1-11 and 13-20, clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early

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date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. **50-1147**.

Respectfully submitted,

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